

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:
BILL L. DAVIS and JESSE S. WILLIAMSON

For Reissue of U. S. Patent 5,630,363
Issued May 20, 1997
Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No.: 09/315,796

For: COMBINED LITHOGRAPHIC/
FLEXOGRAPHIC PRINTING
APPARATUS AND PROCESS



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§ Group Art Unit: 2854
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§ Examiner: _____
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DECLARATION OF STEVEN BAKER

TO: The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

SIR:

I, Steven Baker, declare on my oath the following:

1. I am over twenty-one (21) years of age, have never been convicted of a felony, and am competent to make this testimony. I reside at 207 ²⁰⁷ ~~209~~ Craig Drive, Heath, Texas 75032. I am currently employed as a salesman by Epic Products International Corporation, located at 2801 E. Randol Mill Road, Arlington, Texas 76011.

2. From about August of 1991 through July 1997 I was employed as a salesman at Printing Research Corporation of Dallas, Texas. I was told on January 2, 1997 that I was a "contractor" rather than an employee, but at that time I continued receiving business cards identifying me as a salesman of Printing Research Corporation, worked forty hours a week for Printing Research, and had ^{No} ~~an~~ office at Printing Research. I paid my own taxes during this period. The Internal Revenue Service ruled that I was, in fact, an employee in this period after

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January 2, 1997, and I was given credit for the social security taxes I paid, and in due course I received from Printing Research a 401K contribution for 1997.

3. I graduated from East Texas State University in 1975 with a B.S. in Journalism – Printing Management and have had a career in printing and sales in the printing and food industries up until I went to work for Printing Research in August 1991.

4. Sometime in late July 1994 I met with Bill Davis and Jesse Williamson on a Sunday in Atlanta, Georgia. I remember some intense business discussions which occurred at a Morton's Steakhouse in Atlanta. The discussions are very memorable to me, in part because it was late on Sunday and we were lost in Atlanta and it took a long time to find a good place to eat which was open.

5. I was aware as of the time of this meeting that the employer of Jesse Williamson and Bill Davis, Williamson Printing Corporation, had settled a lawsuit with my employer, Printing Research Corporation, and that part of the settlement involved an obligation on the part of Williamson Printing Corporation to buy a set amount of equipment and/or supplies from Printing Research. The atmosphere was friendly at the restaurant, and in fact it was my understanding that Williamson Printing had already committed to purchasing dryer equipment from Printing Research for a line of Heidelberg printing presses to be installed at Williamson starting in late 1994 running well into 1995. In fact, as part of the Atlanta trip, I showed Jesse Williamson a Printing Research-constructed HV interstation drier at a local carton printer manufacturer in the Atlanta area. I was informed of Williamson Printing Corporation's proprietary "WIMS" process concerning the printing of metallic inks, and was informed by Jesse Williamson and Bill Davis that a patent application was pending concerning the "WIMS" process. I recall being shown some Rolex watch advertisements that were part of some jewelry catalogues that were printed by what Jesse Williamson and Bill Davis described as the WIMS process, and that I was impressed with the brilliance of the gold and silver in the advertisements. Jesse Williamson even picked up the bill for dinner, which was unusual, because I was the salesman trying to sell Williamson equipment.

6. It was clear to me that the discussions took place in confidence and that Jesse Williamson and Bill Davis intended that I not publicize outside those with a need to know what was being discussed at the restaurant meeting in Atlanta.

7. Jesse Williamson and Bill Davis spoke that they had an invention to improve the WIMS process to make the metallic inks printed appear even more brilliant. They confided in me that they wanted to use flexography at a station they designated "upstream" – perhaps even the first station – of one or more offset lithographic presses that they would receive from Heidelberg. They mentioned several ways in which this could be done – by a dedicated flexographic station which would replace an existing lithographic station, by a bolt-on manually added device that would be used on a run-by-run basis, or most preferably, a retractable or "rack-back" mechanism which would have to be modified for "upstream" use. They mentioned that with respect to the rack-back option, that they would have to have with the retractable mechanism an anilox roller, a chambered doctor, and the use of state-of-the-art flexographic plates. They mentioned they had just seen the use of some of these flexographic plates in Germany, and that a number of companies sold high-resolution plates which would work in their new process. They asked me whether or not Printing Research was interested in supplying these types of rack-back or retractable devices, and I told them that Printing Research had available for modification such a rack-back which was not dissimilar to Dahlgren International's device currently sold, or other devices which were sold by our competitors. Our rack-back was developed, I recall, by a fellow Printing Research employee, John Bird, when John Bird was employed previously at another company in the eastern part of the United States. I believe that these machines were being supplied to us by a company called Effritz Tool Company.

8. Jesse Williamson and Bill Davis indicated to me that they wanted to run some tests at Printing Research using the retractable equipment which might be modified for interstation use. These tests – conducted for Williamson Printing Corporation – occurred later in 1994, I recall in October, possibly as late as November. I recall Williamson supplying the flexographic inks and the flexographic plates for these tests, conducted at their direction.

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9. After the July 1994 Atlanta meeting – a meeting in which Williamson had not yet committed to purchase the rack-back devices from Printing Research, but was interested in Printing Research's potential modification of its rack-back to fit the new and improved process of Jesse Williamson and Bill Davis, and upon my return to Dallas, I conveyed to John Bird and Steve Garner of Printing Research the confidences I had learned in Atlanta of the new process. In the months that followed, in an effort to get the business, Printing Research did start working and did develop a coater for Williamson Printing that was called "the Rendleman coater" by those of us at Printing Research, including Bird, Garner and me. The unit was modified to be cantilevered rather than linear. The mechanical engineering was done by Rendleman, who I recall was not an "idea man," but just did the mechanical design work which was requested by his superiors. In addition to John Bird and Steve Garner, I informed Howard DeMoore of the trip, although I cannot recall if I told him of all the technical details I told John Bird and Steve Garner. There were actually two cantilevered devices built for Williamson Printing Corporation – a short-arm end-of-process device first installed on the coating tower of a new 7 color Heidelberg CD – the installation I recall in late February or thereabouts – and a series of long-arm devices built for interstation use, the first deployed later in 1995.

10. I recall a meeting that took place at Williamson in January 1995 prior to the installation of the first, or short-arm device. The meeting took place, as I recall, in Conference Room E at Williamson Printing Corporation, attended by Jesse Williamson, Bill Davis, John Bird and myself. At this meeting, Jesse Williamson told John Bird and myself that he (Williamson) and Davis were going to file a patent application on the new process. I recall that going back to the offices of Printing Research, Bird was amazed that anyone could obtain patent protection on a process apart from the "iron," i.e., a device used in carrying out that process. He called it a brilliant move, but did not know whether such patenting could take place.

11. Recently, I spoke with Howard DeMoore at an industry conference in Chicago (the Graph Expo '99 Conference). Howard claimed he was amazed that Williamson – he alleged

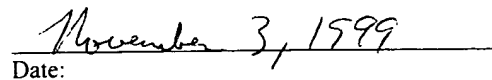
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- was claiming the "Rendleman coater" My belief is that Bird and DeMoore are confused as to the difference between claiming a process and a device to carry out that process.

12. There is no doubt in my mind that based upon (1) my discussions with Jesse Williamson and Bill Davis in Atlanta in July 1994, (2) their prior development of the WIMS process as described to me in 1994, (3) the information I conveyed to at least John Bird and Steve Garner of Printing Research upon my return from Atlanta in July 1994, and (4) my personal knowledge of the skills and work history of Rendleman, Bird and DeMoore, that none of Rendleman, Bird and DeMoore had any part in the invention of the process of the captioned '363 patent which was disclosed to me in July 1994 in Atlanta. Rendleman was essentially a skilled mechanic to build what others wanted. DeMoore was a pressman by trade. Bird admitted to me he did not invent the process, and I knew that anyway.

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such statements may jeopardize the validity of the application of any reissue patent issuing thereon.


Steven Baker


Date: